

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

ROBERT & ZORAIDA MAGEE
Plaintiffs,

Vs.

**BEA CONSTRUCTION, CORP.,
C. WILLIAM DEY,
ABIGAIL GONZALEZ;
MAPFRE/PRAICO, Inc. and ABC
INSURANCE CO./INC.**
Defendants.

CIVIL CASE NO.:
FOR: 28 USC Sec. 1332
31 LPRA Sec. 5141
Jury Trial Requested

RECEIVED AND FILED 2012 SEP - 7 AM 9:52 CLERK'S OFFICE U.S. DISTRICT COURT SAN JUAN
RECEIPT # <u>PA400014422</u>
AMOUNT: <u>\$ 350.00</u>
SEP - 7 2012
CASHIER'S SIGNATURE

COMPLAINT AND DEMAND FOR JURY TRIAL

TO THE HONORABLE COURT:

COME NOW Plaintiffs, Robert and Zoráida Magee, through the undersigned attorney and, very respectfully, pray and allege as follows:

JURISDICTION

1. Plaintiffs, Robert and Zoráida Magee, are married to each other, retirees and residents of New Jersey whereas Defendants, C. William Dey and Abigail González, are residents at Vieques, Puerto Rico and doing business as General Contractors through BEA Construction, Corp., purportedly a defunct, inactive or nonexistent corporate entity which at some prior time was incorporated pursuant to the Laws of the Commonwealth of Puerto Rico with its principal place of business also in Vieques, Puerto Rico. Consequently, this District Court has original jurisdiction over this civil action where the matter in controversy exceeds the sum of \$75,000.01, exclusive of interest and costs, and is between citizens of different States, as provided for in 28 U.S.C. § 1332.

STATEMENT OF FACTS

2. On December 31 of 2008, parties hereto agreed for the construction of a house at Plaintiffs' lot located at Monte Carmelo Ward, Vieques, to be finished and delivered in no more than 16 months for the agreed sum of \$ 80,000.00.

3. Plaintiffs prepaid \$ 80,000.00 on behalf of BEA Construction as evidenced by official check #1224552 issued by The Provident Bank of Jersey City, New Jersey, dated 29/12/08, copy of which is attached as Exhibit #1.

4. Throughout four years and a half thru present time, Defendants have merely dug a ditch and placed nine rebar columns, even without cement, for which they have debited \$4,595.00 plus \$7,288.00 to the monies held by them. See Exhibit # 2 (two pages).

5. Despite their obstinate denial of reimbursement of the monies unjustly held and retained by them, Plaintiffs have repeatedly attempted that Defendants continue the construction of their house but simply have ignored their claims to no avail and, as of June 25th of this year, have been instructed them to desist from further charging or debiting monies from their deposit.

DAMAGES

6. Plaintiffs have suffered serious mental anguish and pain as result of defendants inconsiderate mistreatment, violation of their trust and fraudulent deceit by C. William Dey, Abigail González y BEA Construction, Corp., thus are jointly and solidarily liable for the return of \$80,000.00, plus legal interest from January 2009 and indemnification for damages of not less than \$ 70,000.00.

7. Plaintiffs' dream of retiring at Vieques, Puerto Rico and, even generating additional retirement income from the rental of the house which was never constructed, has been unjustly shattered by defendants.

8 Mapfre/Praico, Inc. and/or ABC Insurance Co./Inc. is (are) subsidiarily responsible for

Plaintiffs' indemnification by having issued a Performance Bond on behalf of defendants arising from the non-performance and non-completion of the construction requested by Plaintiffs, as stated above.

WHEREFORE, Plaintiffs respectfully pray and request entry of judgement in an amount not less than ONE HUNDRED AND FIFTY THOUSAND (US) DOLLARS (\$150,000.00) after a jury trial is convened and celebrated before this Honorable Court, plus court costs and attorney's fees no less than ten thousand dollars (\$ 10,000.00).

In Vieques, Puerto Rico this 7 th. day of September, 2012



IVAN C. REICHARD-MACKENZIE

ATTORNEY FOR PLAINTIFFS

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